

House Bill 890

By: Representatives Oliver of the 83rd, Porter of the 143rd, Ashe of the 56th, Drenner of the 86th, Benfield of the 85th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2A of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to contributions to candidates for public office, so as to change provisions relating to maximum allowable contributions; to clarify provisions relating to the limitations on maximum allowable contributions by political parties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2A of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to contributions to candidates for public office, is amended by revising Code Section 21-5-41, relating to maximum allowable contributions, as follows:

(a) No person, corporation, political committee, or political party shall make, and no candidate or campaign committee shall receive from any such entity, contributions to any candidate for state-wide elected office which ~~in the aggregate for an election cycle~~ exceed:

(1) ~~Two Five~~ thousand dollars for a primary election or a special primary election;

(2) ~~One Three~~ thousand dollars for a primary run-off election or a special primary run-off election;

(3) ~~Three Five~~ thousand dollars for a general election or a special election; and

(4) ~~Two Three~~ thousand dollars for a general election runoff or a special election runoff.

(b) No person, corporation, political committee, or political party shall make, and no candidate or campaign committee shall receive from any such entity, contributions to any candidate for the General Assembly or public office other than state-wide elected office which ~~in the aggregate for an election cycle~~ exceed:

(1) Two thousand dollars for a primary election or a special primary election;

(2) One thousand dollars for a primary run-off election or a special primary run-off election;

(3) Two thousand dollars for a general election or a special election; and

(4) One thousand dollars for a general election runoff or a special election runoff.

(c)(1) No person, corporation, political committee, or political party shall make contributions to any state or local political party in excess of \$5,000.00 per calendar year.

(2) No business entity shall make any election contributions to any candidate which when aggregated with contributions to the same candidate for the same election from any affiliated business corporation exceed the per election contribution limits for such candidate as specified in subsection (a) of this Code section.

(3) No political committee shall make any election contributions to any candidate which when aggregated with contributions to the same candidate for the same election from any affiliated corporation exceed the per election contribution limits for such candidate as specified in subsection (a) of this Code section.

~~(c)~~(d) No business entity shall make any election contributions to any candidate which when aggregated with contributions to the same candidate for the same election from any affiliated corporations exceed the per election maximum allowable contribution limits for such candidate as specified in subsection (a) of this Code section.

~~(d)~~(e) Candidates and campaign committees may separately account for contributions pursuant to Code Section 21-5-43. Candidates and campaign committees not separately accounting for contributions pursuant to such Code section shall not accept contributions for any election in an election cycle prior to the conclusion of the immediately preceding election in such cycle; provided, however, that contributions may be accepted for a primary election at any time in the election cycle prior to and including the date of such primary election. Upon conclusion of each election, contributions remaining unexpended may be expended on succeeding elections in the election cycle, and contributions not exceeding the contribution limits of this Code section may continue to be accepted for repayment of campaign obligations incurred as a candidate in that election except as provided in subsection ~~(h)~~ (i) of this Code section.

~~(e)~~(f) Candidates and campaign committees shall designate on their disclosure reports the election for which a contribution has been accepted. Any contribution not so designated shall be presumed to have been accepted for the election on or first following the date of the contribution.

~~(f)~~(g) A contribution by a partnership shall be deemed to have been made pro rata by the partners as individuals for purposes of this Code section, as well as by the partnership in toto unless the partnership by proper action under its partnership agreement otherwise directs allocation of the contribution among the partners. At such direction of the partnership, the contribution may be allocated in any proportion among the partners, including to one or some but not all. Such allocation shall be indicated on the face of any

instrument constituting the contribution or on an accompanying document referencing such instrument.

~~(g)~~(h) The contribution limitations established by this Code section shall not apply to a loan or other contribution made to a campaign committee or candidate by the candidate or a member of the family of the candidate.

~~(h)~~(i) Any candidate or campaign committee who incurs loans on or after January 9, 2006, in connection with the candidate's campaign for election shall not repay, directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of the election for which the loan was made to the extent that such loans exceed \$250,000.00.

~~(i)~~(j) The contribution limits established by this Code section shall not apply to a bona fide loan made to a candidate or campaign committee by a state or federally chartered financial institution or a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation if:

(1) Such loan is made in the normal course of business with the expectation on the part of all parties that such loan shall be repaid; and

(2) Such loan is based on the credit worthiness of the candidate and the candidate is personally liable for the repayment of the loan.

~~(j)~~(k) The contribution limitations provided for in this Code section shall not include contributions or expenditures made by a political party in support of a party ticket or a group of named candidates, except that such limitations shall apply to expenditures in support of a group of named candidates if one or more of such candidates are candidates in a nonpartisan race for judicial office.

~~(k)~~(l) At the end of the election cycle applicable to each public office as to which campaign contributions are limited by this Code section and every four years for all other elections to which this Code section is applicable, the contribution limitations in this Code section shall be raised or lowered in increments of \$100.00 by regulation of the State Ethics Commission pursuant to a determination by the commission of inflation or deflation during such cycle or four-year period, as determined by the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor, and such limitations shall apply until next revised by the commission. The commission shall adopt rules and regulations for the implementation of this subsection."

SECTION 2.

This Act shall become effective on January 10, 2011.

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SECTION 3.

98 All laws and parts of laws in conflict with this Act are repealed.